

REMARKS

In the Office Action dated May 4, 2006, claims 3, 4 and 14-16 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 7 was rejected under 35 U.S.C. § 102(b) as being anticipated by International Publication No. WO 93/19448 of Remius. Claims 28 and 33 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,899,011 of Brinkman. Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,142,322 of Smith et al. (Smith), in view of U.S. Patent No. 6,357,154 of Pfendler et al. (Pfendler). Claims 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinkman in view of U.S. Patent No. 6,142,322 of Smith. It was stated that claims 5, 8-10, 26 and 32 were objected to as being dependent on a rejected base claim. It was stated that these claims would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. It was also stated that claims 4, 14, 15 and 16 would be allowable if rewritten or amended to overcome the § 112 rejections raised thereagainst. Finally, it was stated that claim 3 would be allowable if rewritten to overcome the § 112 rejections and to include all of the limitations of the base claim and any intervening claims.

The Examiner is thanked for the courtesy of providing an interview to applicant's attorney on August 2, 2006. During the interview, claims 1, 3, 4, 7, 8, 14 and 36 were discussed.

Independent Claim 1 and Dependent Claims 3 and 6

As noted, during the interview, applicant combined claims 1 and 5, since claim 5 was noted in the Office Action to be allowable if rewritten in independent form. However, as pointed out by applicant's representative during the interview and as noted in the Interview Summary Record, applicant has deleted a phrase in claim 1, namely, "said base wall including a front face having a strip of resilient material projecting outwardly therefrom." Nevertheless, applicant believes that claim 1 as so amended and incorporating allowed claim 5 is patentable over all of the cited art.

Claim 3 depends from claim 1. In claim 3, applicant has removed a large portion thereof and overcame the § 112 rejection thereagainst by positively reciting the back wall of the connector. This claim, and dependent claim 6, are believed to be in condition over the art of record.

Independent Claim 4 and Dependent Claim 26

As to independent claim 4, applicant has deleted the portion of the claim containing the § 112 issues. Therefore, it is believed that claim 4 is now in condition for allowance over the art of record.

Dependent claim 26, which depends from claim 4, is also believed to be in condition for allowance over the art of record.

Independent Claim 7 and Dependent Claims 9-13

Independent claim 7 has been amended to add the subject matter of claim 8 thereto. As noted in the Interview Summary, claim 7 therefore appears to be in condition for allowance. Such allowance is earnestly solicited.

Dependent claims 9-13 are also believed to be in condition for allowance over the art of record. It is respectfully submitted that the withdrawn status of claims 11-13 should now be reversed.

Independent Claim 28 and Dependent Claims 29-31, 34 and 35

Independent claim 28 has been amended to add the subject matter of claim 32 thereto. As a result, it is respectfully submitted that claim 28 is in condition for allowance over the art of record.

Dependent claims 29-31 are also believed to be in condition for allowance over the art of record.

Applicant herewith submits new dependent claims 34 and 35 which depend, at least ultimately, from claim 28. Claim 34 recites that the connecting member further comprises a second arm spaced from the first arm. Claim 35 recites that the second arm comprises a first end connected to the channel member and a second end

connected to the clip member. No new subject matter is being added by these claims, as these recitations are amply supported by the specification and drawings originally filed.

Independent Claim 36 and Dependent Claims 15, 16 and 37

Applicant has replaced independent claim 14 with newly submitted independent claim 36. This claim recites a holder for an electronic price label comprising a channel member defined by a base wall and first and second spaced apart side walls and a connector mounted to the channel member. The connector comprises a clip defining a somewhat C-shaped body and comprising interconnected walls, including wall segments that project toward each other and cooperate to define a relatively narrow open end and a relatively wider closed end for receiving and retaining a projecting portion of an associated retail shelf. A first arm is connected between the clip and the channel member. A second arm, spaced from the first arm, is connected between the clip and the channel member.

It is noted that Independent claim 14 similarly recited a channel member and a clip defining a somewhat C-shaped body with the clip further comprising a first leg and a second leg. In claim 36, however, first and second arms are recited.

It is respectfully submitted that independent claim 36 patentably defines over the applied references, as well as the remainder of the cited art. Therefore, allowance of this claim is respectfully requested.

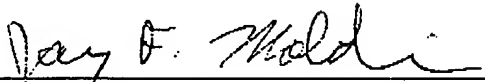
Applicant has amended dependent claims 15 and 16 to now depend from claim 36. Also, a new claim 37, which depends from claim 36, is submitted herewith. Claim 37 recites that the first arm is somewhat L-shaped in cross section and includes a first segment and a second segment. This subject matter is amply supported by, e.g., the drawing of Figure 3A. It should be noted in this regard that in response to a restriction requirement dated July 5, 2005, applicant elected the species of Group II, drawn to Figures 3A-3C, for prosecution (see the Response to Restriction Requirement dated August 29, 2005).

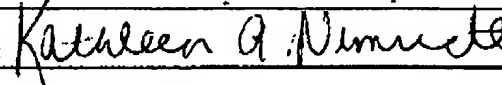
In view of the foregoing comments, it is respectfully submitted that the pending claims are in condition for allowance over the art of record.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

4 Aug 2006
Date


Jay F. Moldovanyi
Reg. No. 29,678
1100 Superior Avenue
Suite 700
Cleveland, Ohio 44114-2518
(216) 861-5582

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